IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

Tr.P(C).No. 213 of 2007()

OP.544/2007 of FAMILY COURT, THIRUVALLA
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PETITIONERS : RESPONDENTS 2 AND 3:
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1. THANKACHAN, S/O.DANIEL, AGED 61 YEARS,
MANIKKALAZHIKATHU HOUSE, MANACADU,
SASTHAMKOTTA P.O., SASTHAMKOTTA, KOLLAM DISTRICT.

2. MARYKUTTY, W/O.THANKACHAN,
AGED 56, MANIKKALAZHIKATHU HOUSE,
MANACADU, SASTHAMKOTTA P.O.,
SASTHAMKOTTA, KOLLAM DISTRICT.

BY ADV. SRI.PREMCHAND R.NAIR

RESPONDENTS: PETITIONER:

VINEETHA JOHN, D/O.T.JOHN,
AGED 25 YEARS, OUTHICKAMANNIL HOUSE,
ANCHUKUZHY, KARIKULAM P.O.,
PAZHAVANGADI VILLAGE, RANNI TALUK,
PATHANAMTHITTA.

BY ADV. SRI.ABRAHAM SAMSON
SMT.LOVELY SAMSON

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A.2486 OF 2007
IN
TR.P.C. NO.213 OF 2007

DISMISSED

11/12/07 **SD/- M.N. KRISHNAN, JUDGE.**

[True Copy]

P.A. TO JUDGE.

M.N. KRISHNAN, J.

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Tr.P.C. NO. 213 OF 2007

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Dated this the 11th day of December, 2007.

J U D G M E N T

This Transfer Petition is preferred to transfer O.P.544/07 pending before the Family Court, Thiruvalla to the Family Court, Kottarakkara. Petitioners herein are the parents of the respondent in the original petition. The respondents have filed O.P. for realisation of the amount to a tune of about 23 lakhs. Unfortunately the couple has fallen out and the husband is working abroad and it is submitted that the parents are senior citizens and not able to travel and therefore the case to be transferred to the Family Court at Kottarakkara which is opposed by the other side for the reason that it is only to harass the petitioner such an application is filed and the wife has already filed an application under Section 498(A) against the others for action. Distance cannot be of a sole criteria for transferring

a case. Here, the real contestant is the husband and not the parents. He is working abroad. Therefore, I do not find any justification in transferring this case at this junction. But, certainly some direction can be given to the Family Court, Thiruvalla not to insist for the personal presence of these parents on every posting date if they are represented by a lawyer and whenever an application comes for exemption on genuine grounds, it be considered sympathetically.

With this observation, this Tr.P.C. is dismissed.

M.N. KRISHNAN, JUDGE.

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